

EXHIBIT “A”

No. 22A01450STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTYDate Summons Issued and E-Filed
4/21/2022

SUMMONS

/s/ Monique Roberts

Deputy Clerk

Deposit Paid \$ _____

Georgia Department of Transportation
40 Capitol Sq SW Atlanta, GA 30334
Plaintiff's name and address☒ JURY

vs.

VTs Transportation, Inc. +
Great West Casualty Company
Defendant's name and address

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

Nathan D. Hovey
Name 40 Capitol Sq SW, Atlanta, GA 30334
Address 404-458-3483
Phone Number 329132
Georgia Bar No.an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. The answer or other responsive pleading can be filed via electronic filing through eFileGA via www.eFileGA.com or, if desired, at the e-filing public access terminal in the Clerk's Office at 556 N. McDonough Street, Decatur, Georgia 30030

Defendant's Attorney

Third Party Attorney

Address

Address

Phone No. Georgia Bar No.

Phone No. Georgia Bar No.

TYPE OF SUIT

- ☐
- Personal Injury
- ☐
- Products Liability
-
- ☐
- Contract
- ☐
- Medical Malpractice
-
- ☐
- Legal Malpractice
- ☐
- Product Liability
-
- ☒
- Other

Principal \$ _____

Interest \$ _____

Atty Fees \$ _____

Access to the e-filing site and the rules is available at www.dekalbstatecourt.net

To indicate consent to e-service check the box below.

☐ (Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

**GEORGIA DEPARTMENT OF
TRANSPORTATION,**

Plaintiff,

v.

**VTS TRANSPORTATION, INC.
AND GREAT WEST CASUALTY
COMPANY,**

Defendants.

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

**CIVIL ACTION 22A01450
FILE NO. _____**

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, the Georgia Department of Transportation (“GDOT” or “the Department”), by and through counsel, Christopher M. Carr, Attorney General for the State of Georgia and files this its Complaint against the Defendants and respectfully shows this Court as follows:

THE PARTIES

1.

GDOT is an agency of the State of Georgia created pursuant to O.C.G.A. § 32-2-1 *et seq.*

2.

Defendant VTS Transportation, Inc. (“Defendant VTS”) is a California corporation. Defendant VTS may be served through their registered agent at 1382 Blue Oaks Boulevard, Roseville, CA 95678 or under the Georgia Non-Resident Motorist Act, and is subject to the jurisdiction of this Court.

3.

Defendant Great West Casualty Company (“Defendant Great West”) is a foreign corporation licensed to do business in Georgia. Defendant Great West may be served through its registered agent at 2 Sun Court, Suite 400, Peachtree Corners, GA 30092, and is subject to the jurisdiction of this Court.

4.

Pursuant to the Georgia Long-Arm Statute, venue is proper in this Court and this Court has jurisdiction over this cause of action.

STATEMENT OF FACTS

5.

On or about April 22, 2018, Jhun Dominic Z. Aboy (“Aboy”) negligently operated a tractor-trailer in DeKalb County, Georgia, resulting in a single-vehicle collision while he was traveling from the I-85 southbound exit ramp to I-285 southbound. After negotiating the curve at too high of a rate of speed, Aboy lost control of the tractor trailer, which flipped and jackknifed, causing damage to an overhead sign and guardrail owned and maintained by GDOT.

6.

The negligently-operated motor vehicle was owned by Defendant VTS, who was Aboy’s employer.

NEGLIGENT ENTRUSTMENT OF DEFENDANT VTS

7.

At all relevant times, Defendant VTS was the owner of the vehicle negligently operated by Aboy.

8.

Aboy had Defendant VTS’s permission to operate the vehicle involved in this incident.

9.

Defendant VTS knew or should have known that Aboy was a negligent, reckless, and/or unsafe driver.

10.

Defendant VTS is liable for the property damage caused by Aboy's negligent operation of a motor vehicle under a theory of negligent entrustment.

RESPONDEAT SUPERIOR

11.

At all relevant times Aboy was acting in the course and scope of his employment with Defendant VTS.

12.

Defendant VTS is vicariously liable for the negligence of its employee and agent Aboy under a theory of respondeat superior.

DIRECT ACTION AGAINST DEFENDANT GREAT WEST

13.

Defendant Great West is a proper party to this action under O.C.G.A § 40-2-140 and/or O.C.G.A § 40-1-112 as the insurance carrier for the motor carrier involved in the underlying accident.

DAMAGES

14.

As a direct and proximate result of the aforesaid negligence of Defendant VTS culminating in a collision with the property of GDOT, GDOT is owed damages in the amount of \$132,200.50 for the cost of the overhead sign, guardrail, and other associated expenses.

15.

GDOT is entitled to recover said damages from Defendants in this action.

WHEREFORE, Plaintiff respectfully prays that the Court:

- (a) issue judgment against Defendants in the amount of \$132,200.50 together with pre-judgment and post-judgment interest;
- (b) award Plaintiff its costs and expenses of bringing this suit including an award of attorneys' fees; and
- (c) grant such other relief as the Court may deem appropriate.
- (d) that this matter be heard by a jury.

This 20th day of April 2022.

Respectfully submitted,

CHRISTOPHER M. CARR	112505
Attorney General	

JULIE ADAMS JACOBS	003595
Deputy Attorney General	

BROOKE HEINZ CHAPLAIN	927752
Senior Assistant Attorney General	

ALKESH PATEL	583627
Senior Assistant Attorney General	

<u>/s/ Nathan D. Hovey</u>	
NATHAN D. HOVEY	329132
Assistant Attorney General	

**PLEASE ADDRESS ALL
COMMUNICATIONS TO:**

NATHAN D. HOVEY
Assistant Attorney General
Georgia Department of Law
40 Capitol Square, SW
Atlanta, Georgia 30334-1300
(404) 458-3483
nhovey@law.ga.gov

STATE COURT OF
DEKALB COUNTY, GA.
4/20/2022 3:15 PM
E-FILED
BY: Michelle Cheek

Civil Action No. 22A01450Date Filed April 20th, 2022Superior Court ☐State Court ☒

Georgia, DeKalb County

Georgia Department of Transportation

Attorney's Address

Nathan Hovey
40 Capitol Sq. SW
Atlanta, GA 30334

Plaintiff

VS.

VTS Transportation

Great West Casualty Company

Defendant

Name and Address of Party to be Served

Corporation Service Company on behalf of Great West Casualty Corporation

2 Sun Court, Ste. 400

Peachtree Corners, GA 30092, USA

Garnishee

MARSHAL/SHERIFF'S ENTRY OF SERVICE

☐ I have this day served the defendant _____ personally with a copy of the within action and summons.☐ I have this day served the defendant _____ a copy of the action and summons at his most notorious place of abode in this County. _____ by leaving☐ Delivered same into hands of _____ described as follows
age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of
Defendant.☒ Served the defendant Great West Casualty Corporation
by leaving a copy of the within action and summons with Alisha Smith a corporation
in charge of the office and place of doing business of said Corporation in this County.☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.☐ Diligent search made and defendant _____
not to be found in the jurisdiction of this Court.This 17 day of May, 2022J. Williams SO139
DEPUTY

SHERIFF DOCKET _____ PAGE _____

General Civil and Domestic Relations Case Filing Information Form

☒ Superior or ☐ State Court of DEKALB County

For Clerk Use Only

4/20/2022

22A01450

Date Filed _____

Case Number _____

MM-DD-YYYY

Plaintiff(s)

Georgia Department of Transportation

Defendant(s)

VTS Transportation Inc

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Nathan HoveyState Bar Number 329132 Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☒ Automobile Tort
☐ Civil Appeal
☐ Contempt/Modification/Other Post-Judgment
☐ Contract
☐ Garnishment
☐ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Dissolution/Divorce/Separate Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required _____

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.